

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

EDDIE A. COLE	§	
VS.	§	CIVIL ACTION NO. 2:20cv214
HARRISON COUNTY, ET AL.	§	

**ORDER OF DISMISSAL**

Plaintiff Eddie A. Cole, a former inmate confined within the Harrison County Jail, proceeding *pro se*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights in Harrison County and Gregg County. The complaint was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 30, 2023, Judge Payne issued a Report, (Dkt. #12), recommending that Plaintiff's lawsuit be dismissed as factually frivolous under 28 U.S.C. § 1915A. The Report was mailed to Plaintiff at his last-known address. To date, however, no objections to the Report have been filed and Plaintiff has not communicated with the Court since December 9, 2020 (Dkt. #10).

As objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, barred from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the District Judge. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on*

*other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

**ORDERED** that the Report of the United States Magistrate (Dkt. #12), is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that Plaintiff's civil rights lawsuit is **DISMISSED**, with prejudice, as factually frivolous pursuant to 28 U.S.C. § 1915A. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 19th day of July, 2023.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE